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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Consideration of reports submitted by States parties under article 18 of the Convention

Initial, second and third periodic reports of States parties due in 2014

Monaco*

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Introduction

1. The Principality of Monaco ratified the Convention on the Elimination of All Forms of Discrimination against Women on 18 March 2005.

2. The Convention was given the force of law in Monaco by Sovereign Ordinance No. 96 of 16 June 2005.

3. The present document is the initial report of Monaco submitted to the Committee on the Elimination of Discrimination against Women under article 18 of the Convention.

4. As a result of the delay in the submission of the initial report, the present document also constitutes the second, third and fourth periodic reports of Monaco.

5. Several government entities participated in the preparation of the report: the Ministry of the Interior; the Ministry of Health and Social Affairs; the Ministry of Foreign Affairs and Cooperation; the Department (Ministry) of Justice; and the Department of Legal Affairs.

6. In addition, civil society organizations (the World Association of Children's Friends (AMADE-Monaco), the Monaco Red Cross and the organization GenderHopes) were consulted in the preparation of this report.

7. The present document describes the measures taken since 2005 to implement the Convention. It is divided into three sections. The first two sections contain general information concerning the Principality of Monaco and its commitment to human rights. The third section describes the measures taken concerning each provision of the Convention.

Part One: General

Land and people

8. The Principality of Monaco is an independent and sovereign State covering an area of only 2.02 square kilometres.

9. It has only 37,000 inhabitants, of whom approximately 8,800 are Monegasque nationals.

10. The population of Monaco comprises more than 125 nationalities (annex 2 — Demography Observatory 2014).

Institutional system

11. Monaco is a hereditary constitutional monarchy.

12. Since 1911, the organization of public authorities has been governed by a constitutional act, which has been revised and updated on several occasions. The Constitution of 17 December 1962, as revised in 2002 and currently in force, establishes that the Principality of Monaco is a State governed by the rule of law, insofar as it asserts the rule of law over national life and institutions.

13. The Constitution also ensures the separation of administrative, legislative and judicial functions and governs the organization and operation thereof.

(a) Sovereign powers

Sovereign authority

14. The Prince exercises his sovereign authority in accordance with the provisions of the Constitution and the law. He represents the Principality in its relations with foreign Powers. Total or partial revision of the Constitution requires the agreement of the Prince and the National Council, an assembly elected by the citizens of Monaco.

15. Legislative power is shared between the Head of State, who has the right to initiate legislation, and the National Council, which votes on it.

16. Executive power derives from the high authority of the Prince, and Government functions are performed by a Minister of State, who represents the Prince and is assisted by a Government Council. The Minister of State and the Government Councillors are accountable to the Prince for the administration of the Principality.

17. Under the law, judicial power is vested in the Prince. The current Constitution specifies that he delegates the full exercise of that power to the courts, which dispense justice in his name.

Other prerogatives of the Sovereign

18. In Monaco, the Sovereign also exercises the right to grant pardons and amnesties and the right to grant naturalization and restoration of Monegasque nationality. Lastly, the reigning Prince confers orders, titles and other distinctions.

19. The Sovereign Prince is assisted by the Crown Council in the exercise of certain constitutional prerogatives. The Crown Council may be consulted by the Prince on matters affecting the interests of the State.

20. The Council of State is responsible for providing opinions on bills and draft ordinances submitted to it by the Prince for consideration. It may also be consulted on all other draft texts.

(b) Executive power

Government responsibilities

Drafting of bills

21. Although the right to initiate legislation is vested in the Prince, the Governing Council is responsible for submitting bills to the Prince under the signature of the Minister of State.

Regulatory authority

22. The Government is mandated to ensure the implementation of laws, the functioning of public services and the maintenance of public order, and holds regulatory authority to that effect. As with its legislative authority, the Government's regulatory authority is exercised through the issuance of general rules.

23. There are two types of regulatory instruments:

- Sovereign ordinances, the purpose of which is usually to implement legislation and which become enforceable only upon signature by the Sovereign and after publication in the Official Gazette of Monaco;
- Ministerial orders, which serve to implement legislation and sovereign ordinances and which become enforceable only in the absence of express opposition by the Prince within 10 days of being circulated by the Minister of State.

General responsibilities

24. The Constitution confers on the Minister of State and the Government Councillors the task of administering the country. The Minister of State is therefore in charge of the executive. He is also in charge of the police under the direct orders of the Prince.

25. He is responsible for the general police force and for maintaining public tranquillity. He ensures the strict implementation of ordinances.

(c) Justice

26. In Monaco, the judiciary is independent of the executive. There is no Minister of Justice in the Government: the administration of justice is the responsibility of the Department of Justice, which was established as an entity separate from government authority in 1918 in order to ensure its autonomy, and which is governed by Act No. 1.398 of 24 June 2013 on judicial administration and organization.

27. The Constitution establishes the principle of "delegated justice": judicial power is vested in the Prince, who delegates its full exercise to the courts; they dispense justice in his name.

28. Insofar as it involves the separation of administrative, legislative and judicial functions, this principle is substantially different from the situation in the past, whereby the sovereign himself exercised judicial power.

29. The independence of judges, an essential condition for the independence of the justice system, is guaranteed by the Constitution. Judges are irremovable, which means that they may not be dismissed, suspended or transferred, as civil servants may be.

30. The law governs the status of judges and the organization, jurisdiction and operation of the courts, and establishes the principles that give the public the best guarantees of impartiality and expertise: the collegiality of the courts, separation of the functions of prosecution and investigation in criminal matters, the right of appeal to a higher court, and the possibility of applying for judicial review.

(d) Assemblies and public authorities

31. The assemblies and authorities contributing to the Government's activities are:

- The National Council, which votes on laws and the budget;
- The Municipal Council, which deliberates on matters relating to the Municipality;
- The Economic and Social Council, which issues opinions on the economic life of the country;

- The Crown Council, which is consulted by the Prince on certain matters set out in the Constitution or affecting the interests of the State;
- The Council of State, which issues opinions on bills and draft ordinances submitted to it by the Prince for consideration;
- The Board of Auditors, which audits the accounts and budgetary and financial management of the State, the Municipality and public institutions.

Religion

32. As in other parts of Europe, the Christian faith has for centuries played a dominant role in the religious life of the population.

33. At present, the system of religion in Monaco is based on a dual foundation:

- The Catholicism is the State religion;
- The Freedom of religion is guaranteed.

Part Two: Promotion and protection of human rights

34. The Principality of Monaco is fully committed to the promotion and protection of human rights, which constitute one of its national and international policy priorities.

I. Signature and ratification of international instruments

35. Since joining the United Nations and subsequently the Council of Europe, Monaco has become a party to numerous international human rights instruments. It has ratified the following:

- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in 1991;
- The Convention on the Rights of the Child, in 1993;
- The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, in 2001;
- The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, in 2008;
- The International Convention on the Elimination of All Forms of Racial Discrimination, in 1995;
- The International Covenant on Civil and Political Rights, in 1997;
- The Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, in 2000;
- The International Covenant on Economic, Social and Cultural Rights, in 1997;
- The European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, as amended by its two Protocols, in 2005;

- The European Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocol No. 11, in 2005.

36. Monaco also signed the Convention on the Rights of Persons with Disabilities in 2009.

37. In recent years Monaco has become a party to the following instruments:

- The Protocol relating to the Status of Refugees, in 2010;
- The United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention against Discrimination in Education, in 2012;
- The Additional Protocol to the Council of Europe Criminal Law Convention on Corruption, in 2013;
- The Optional Protocol to the Convention on the Rights of the Child on a communications procedure, in September 2014;
- The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention), in October 2014;
- The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (the Lanzarote Convention), in October 2014;
- The Council of Europe Convention on Action against Trafficking in Human Beings, in November 2015.

38. In 2013, Monaco also signed the Council of Europe Convention on Cybercrime. The procedure for ratification of that instrument is under way.

39. Lastly, Monaco is taking steps to become a party to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

II. Amendments to legislation

40. Accession to the international instruments referred to above has led to significant amendments to legislation. Among the laws dealing with human rights that have been adopted since the 2000s, the following are of particular note:

- The Act No. 1.278 of 29 December 2003 amending certain provisions of the Civil Code, the Code of Civil Procedure and the Commercial Code;
- The Act No. 1.276 of 22 December 2003 amending Act No. 1.155 of 18 December 1992, the Nationality Act;
- The Act No. 1.296 of 12 May 2005 on the transmission of nationality by mothers having so opted pursuant to article 3 of Act No. 572 of 18 November 1952 (repealed);
- The Act No. 1.299 of 15 July 2005 on freedom of public expression;
- The Act No. 1.344 of 26 December 2007 on tougher penalties for offences against children;

- The Act No. 1.359 of 20 April 2009 establishing a prenatal coordination and family support centre and amending article 248 of the Criminal Code and article 323 of the Civil Code;
- The Act No. 1.382 of 20 July 2011 on the prevention and punishment of specific forms of violence;
- The Act No. 1.387 of 19 December 2011 amending Act No. 1.155 of 18 December 1992, the Nationality Act;
- The Act No. 1.399 of 25 June 2013 reforming the Code of Criminal Procedure in the area of police custody;
- The Act No. 1.410 of 2 December 2014 on the protection, autonomy and promotion of the rights and freedoms of persons with disabilities;
- The Act No. 1.421 of 11 December 2015 on various measures relating to the responsibility of the State and remedies.

41. Information relating to these various laws is set out in the third part of the report detailing measures taken to implement the Convention, article by article.

42. With regard to combating violence, the following should be noted:

43. Act No. 1.344 of 26 December 2007 on tougher penalties for offences against children is specifically aimed at improving the protection of minors and imposing tougher penalties for offences committed against them.

44. These offences include, as a non-exhaustive list, violence and assault, subjection to living conditions incompatible with human dignity, sexual violence, and incitement to immorality, where these are committed with violence, threats, abuse of authority or any other means of coercion.

45. In addition, Act No. 1.382 of 20 July 2011 on the prevention and punishment of specific forms of violence was enacted with a view to strengthening the protection of women, children and persons with disabilities.

46. The purpose of this Act is to prevent and punish acts of violence that necessitate or justify specific forms of punishment or reparation, or penalties that are tougher or that are otherwise adjusted because of the particular vulnerability of the victims or the situations in which the acts of violence are perpetrated.

47. With regard to punishment in the strict sense of the term, the Act has added to the body of domestic legislation specifically addressing all forms of violence or threats of violence — physical, psychological, sexual or financial — against women in particular. In order to ensure that this actually translates into greater protection for women, specific preventive, protective and punitive measures have been introduced into the law of Monaco for acts such as honour crimes, female genital mutilation, forced marriage, marital rape and harassment.

48. In all cases where these acts are committed between spouses, or persons who are currently living together or who have lived together in the past for a time, Act No. 1.382 of 20 July 2011, referred to above, provides for substantially harsher penalties, either double the penalty provided for the ordinary offence or the maximum penalty for that offence.

49. In addition, failure to fulfil the obligation to make reparations counts as an aggravating circumstance with respect to the penalty to be imposed; this may lead, where appropriate, to the revocation of the suspension of a sentence or of probation. This provision also applies to perpetrators of female genital mutilation, honour crimes and rape of a spouse or a domestic worker. Domestic slavery and harassment are also covered.

50. With regard to assistance and protection for victims, the Government has decided to allow the courts to hand down decisions specifically to protect victims. Thus the Act gives the courts the option of imposing on perpetrators, under threat of one to six months' imprisonment and a fine of between 9,000 and 18,000 euros:

- A fixed-term ban on entering into contact with the victims by any means whatsoever, including electronic communications;
- A fixed-term ban on going to certain places.

51. Under that provision, the judge has complete discretion to take a decision in line with the needs and situation of the victims. For example, the perpetrator could be banned from being in the vicinity of schools, gymnasiums, and all other places of work, leisure or residence frequented by the victims, including, of course, their home. Such injunctions take a number of forms over the course of the various stages of proceedings that may follow acts of violence:

- An emergency measure taken by the prosecutor during the preliminary investigation;
- A measure taken by the investigating judge with a view to protecting the victims for the duration of the investigation;
- A supplementary punishment to a main sentence.

52. In the more specific context of criminal procedure, it should be noted that the legislation endeavours to provide support for the victim from the investigation phase onwards by enabling either the Public Prosecutor or the investigating judge to order a medical and psychological examination in order to determine the nature of the harm suffered and whether there is a need for an appropriate programme of care.

53. Following the lead of international standards in this area, the aforementioned Act No. 1.382 of 20 July 2011 also provides for mandatory initial and in-service training for all professionals who deal with cases of violence, whether they are staff of the justice system, the police force, medical professionals or social workers.

54. The Government sets great store by ensuring that victims have access to qualified professionals and that professionals working in this area have the best training so that they are able to provide the best and most appropriate support to victims, taking into account in particular the psychological distress they have suffered.

55. To date, two training sessions have been organized by the Directorate of Human Resources and Training of the Civil Service. The following staff have taken part: social workers, specialized teachers, school nurses and doctors, judges, staff of the Department of Justice, detectives and criminal investigation officers. In addition, with regard to medical staff, two doctors from the Department of Psychiatry of Princess Grace Hospital have completed a training programme on the subject of violence.

56. Lastly, civil society (the associations GenderHopes and Femmes Leaders Monaco), in conjunction with the Ministry of Health and Social Affairs, published a brochure in 2014 and set up a website ("Monaco dit non aux violences" — http://www.monacosaysnotoviolence.org/fr/) for the purpose of providing better information, raising awareness and providing assistance to victims of marital violence.

III. Institutions for the promotion and/or protection of human rights

57. Since 2005, new establishments or institutions dealing with human rights have been set up in the Principality.

Policy for persons with disabilities

58. A Government official was appointed to represent persons with disabilities in 2006.

Protection of women and children

59. With regard to the protection of women and children, the new Princess Charlène Children's Home (formerly the Sainte Dévote Home) was inaugurated in 2012. The Home comes under the authority of the Department of Health and Social Welfare and is intended to house children placed there by court order. The Home, which meets the latest standards, can accommodate 24 children aged 6-18 years. In addition, there are three mother-and-child apartments on the top floor to provide a safe environment for female minors with children and for women who have been victims of violence or who need assistance in bringing up their children. Two apartments in town are also available to accommodate young women aged 18 to 21.

60. Two women without children have been living in social housing since March 2010 and January 2015 respectively.

61. In addition, in 2012 a woman and her one-year-old child were housed for a placement period of 15 days because of a serious marital crisis.

62. Lastly, in 2014 a mother who was a victim of marital violence and her two young children were given a placement for 22 months, which is still in effect.

Policy for older persons

63. With regard to older persons, the Rainier III Clinical Gerontology Centre opened on 12 February 2013. It provides specialized health and preventive care that is adapted to the needs of older patients. It plays a central role in the field of geriatric medicine and works closely with the Monaco Gerontology Coordination Centre, the Spéranza-Albert II Centre and the public retirement homes in the Principality. It aims not only to respond to the challenges posed by the growing number of older persons in Monaco, but also to meet their specific needs and to address issues such as multiple pathology treatment, social isolation, frailty and the loss of independence.

Office of the High Commissioner for the Protection of Rights and Liberties and for Mediation

64. Pursuant to Sovereign Ordinance No. 4.524 of 30 October 2013, the Office of the High Commissioner for the Protection of Rights and Liberties and for Mediation was established in Monaco; its responsibilities include those previously assigned to the Minister responsible for appeals and mediation.

65. In accordance with the statutory and procedural guarantees for which the High Commissioner is responsible, he or she acts as the focal point for the mechanism for the protection of all rights-holders. Accordingly:

- Any natural or legal person who considers that the rights or freedoms accorded to all persons in their dealings with the authorities have been violated by the Minister of State, the President of the National Council, the Secretary of Justice or the Mayor, or by other public institutions, or by the activities of an administrative service that is subject to one of those authorities or public institutions may refer the matter to the High Commissioner (art. 15 of the aforementioned Sovereign Ordinance No. 4.524 of 30 October 2013);
- The High Commissioner may receive complaints from natural or legal persons who consider themselves to have been victims of unjustified discrimination in the Principality (art. 28 of the Sovereign Ordinance);
- The High Commissioner may receive requests for opinions or studies on any matter relating to the protection of the rights and freedoms of citizens in their dealings with the authorities and on matters relating to the prevention of unjustified discrimination (art. 33 of the Sovereign Ordinance).

66. The High Commissioner carries out the duties assigned to him or her in a neutral, impartial and independent manner. This guiding principle is enshrined in article 6, paragraph 1, of the aforementioned Sovereign Ordinance. Furthermore, when carrying out his or her duties, the High Commissioner may not receive any order, instruction or directive of any nature, including from the Minister of State, the President of the National Council, the Secretary of Justice or the Mayor (art. 6, para. 2, of the Sovereign Ordinance).

67. The High Commissioner is financially independent. Article 13 of the aforementioned Ordinance establishes that the State shall provide the High Commissioner with the resources required to perform his or her duties. Moreover, the funds necessary for the remuneration of the High Commissioner and the staff placed at his or her disposal, and, more generally, for the resources required to perform his or her duties constitute a specific item in the State budget (art. 46 of the Sovereign Ordinance).

68. The High Commissioner's independence also lies in the fact that his or her functions are incompatible with those of a National or Municipal Councillor, a member of the Economic and Social Council, or with any elected political office, in Monaco or abroad (art. 10, para. 1). They are also incompatible with the exercise of any other public function or any gainful, professional or paid activity, in Monaco or abroad (art. 10, para. 2, of the Sovereign Ordinance).

69. Moreover, the principle that the High Commissioner may not, either personally or through an intermediary, have interests of any type or form that compromise his or her independence is clearly established (art. 11, para. 1, of the Sovereign

Ordinance). Furthermore, he or she must refrain from any action, activity or event that is incompatible with the discretion and reserve required in his or her duties, whether on his or her own behalf or on behalf of any other natural or legal person (art. 11, para. 2, of the Sovereign Ordinance).

70. The independence and autonomy of the High Commissioner are also reflected in the different guarantees to which citizens are entitled throughout the examination of their request. These include an investigative phase in which the adversarial principle is respected and the citizen is kept informed (arts. 19 and 20 of the Sovereign Ordinance). To foster a direct relationship with the citizen, the High Commissioner informs him or her of the likely consequences of the referral, and may also provide all the relevant information on the mediation, particularly, if applicable, about appeal deadlines (art. 19 of the Sovereign Ordinance).

71. The High Commissioner's functional independence stems also from the investigatory power that allows him or her to consult with and audit the departments concerned, examine files and interview applicants.

72. The High Commissioner is thus able to require the relevant administrative departments to provide any document, information or assistance necessary to fulfil his or her duties. The High Commissioner may also verbally request supplementary items from the citizen and the aforementioned departments so as to clarify any discrepancies. He or she ensures respect for the adversarial principle by, if necessary and unless impossible, listening to the explanations of the citizen or his or her representative, as well as those of the administrative authority concerned (art. 20 of the Sovereign Ordinance).

73. Furthermore, as part of his or her prerogatives, the High Commissioner benefits from functional protection, under which the State, in accordance with instructions issued by sovereign decision, provides protection against threats, abuse, insults, defamation or attacks of any kind that he or she may face in the exercise of his or her duties (art. 12, para. 1). To that effect, the authorities are moreover liable for ensuring the rights of the victim to any damages due from the perpetrators of the offences in reparation.

74. When providing this functional protection for the High Commissioner, the authorities may claim damages before the criminal courts (art. 14 of Act No. 975 of 12 July 1975 on the status of civil servants).

75. Lastly, as with his or her foreign counterparts, both independent and institutional, under articles 23 and 30 of the aforementioned Sovereign Ordinance No. 4.524 of 30 October 2013 the High Commissioner has the authority to make recommendations, or proposals, to the Minister of State, the President of the National Council, the Secretary of Justice and the Mayor, based on analysis of the facts, law and equity. If necessary, the High Commissioner follows up on the application of the decision or agreement made on the basis of his or her recommendation.

76. It is thus apparent that the independence of the High Commissioner is demonstrated in various ways, whether by the channels through which matters may be referred to him or her, the procedural guarantees applicable during the examination of requests, the powers of investigation and recommendation at his or her disposal or the follow-up given to his or her recommendations.

Association for victim support

77. A State-approved association for victim support was established in Monaco in 2014.

78. It aims to provide support, counselling, information, guidance and assistance to victims of violence, understood in the broadest sense of the word and including, for example, physical, sexual and emotional violence.

IV. International cooperation

79. His Serene Highness Sovereign Prince Albert II attached particular importance to the pursuit of the eight Millennium Development Goals and is now committed to the implementation of the Sustainable Development Goals.

80. In this context, the Government has for more than 20 years been pursuing an international cooperation policy aimed chiefly at eradicating poverty.

81. The country's development assistance activities have been refocused in recent years in some 20 partner countries, most of them least developed countries.

82. This commitment to international solidarity benefits the most disadvantaged groups (women, children and persons with disabilities) and those severely affected by conflict, such as in Mali and the Syrian Arab Republic.

Part Three: Implementation of the Convention on the Elimination of All Forms of Discrimination against Women

I. Reservations and declarations made at the time of ratification

83. The Principality of Monaco made a number of declarations[1] and reservations[2] at the time of ratification of the Convention. It does not rule out the possibility of withdrawing some of them in the future.

[1] "1. The implementation of the Convention on the Elimination of All Forms of Discrimination against Women does not affect the validity of agreements concluded with France.
2. The Principality of Monaco considers that the aims of the Convention are to eliminate all forms of discrimination against women and to guarantee every individual, irrespective of gender, equality before the law, where the aforementioned aims are in line with the principles set out in the Constitution.
3. The Principality of Monaco declares that no provision of the Convention may be interpreted as impeding the provisions of the laws and regulations of Monaco that are more favourable to women than to men."

[2] "1. The ratification of the Convention by the Principality of Monaco shall have no effect on the constitutional provisions governing the succession to the throne.
2. The Principality of Monaco reserves the right not to apply the provisions of article 7 (b) of the Convention in respect of recruitment to the police force.
3. The Principality of Monaco does not consider itself bound by the provisions of article 9 that are not compatible with its nationality laws.
4. The Principality of Monaco does not consider itself bound by article 16, paragraph 1 (g), regarding the right to choose a family name.

84. With regard to reservations specifically, the following points should be noted:

85. The reservation relating to the succession to the throne was formulated with a view to ensuring that due consideration was given to the history of the Principality of Monaco and its hereditary constitutional monarchy.

86. Concerning nationality (reservation 3), it should be noted that the law on nationality has been amended numerous times in recent years with the aim of achieving equality between men and women with regard to the acquisition, change, retention and transmission of nationality (cf. p. 24 of this report).

87. With regard to family names (reservation 4), a bill was submitted to the office of the National Council in May 2015 amending certain provisions of the Civil Code relating to family names and introducing antenatal recognition of the unborn child.

88. With regard to abortion (reservation 5), the Principality does not anticipate widespread legalization.

89. However, since the Convention was ratified, Act No. 1.359 of 24 April 2009, which provides for medical termination of pregnancy in three sets of circumstances, has been adopted (cf. p. 33 of this report).

90. Lastly, with regard to reservation 7, it should be noted that entitlement to welfare benefits is subject to the performance of paid employment in Monaco, and equality with regard to social security protection is provided for.

91. However, children's medical expenses are covered by the insurance of the head of household, which is the father in the case of a married couple or, where appropriate, the mother.

92. This concept of the head of household is necessary in order to coordinate the various social security regimes.

II. Implementation of the Convention

93. The Principality of Monaco recognizes the principle of the hierarchy of laws: a vital guarantee of the Constitution which the Sovereign Prince, who is the source thereof, freely grants his subjects.

94. The Constitution is the supreme law, and the Sovereign Prince the guardian and arbiter thereof.

95. International treaties and agreements duly signed and ratified by the Prince have primacy over domestic laws.

96. Under Monegasque law, international conventions that have been incorporated into the legal order rank below the Constitution but above national laws in the

5. The Principality of Monaco does not consider itself bound by article 16, paragraph 1 (e), insofar as it can be interpreted as requiring the legalization of abortion and sterilization.
6. The Principality of Monaco reserves the right to continue to apply its social security laws, which, in certain circumstances, provide for the payment of certain benefits to the head of the household who, under those laws, is presumed to be the husband.
7. The Principality of Monaco declares, in accordance with the provisions of article 29, paragraph 2, that it does not consider itself bound by the provisions of paragraph 1 of the article."

normative hierarchy, regardless of whether the law in question was adopted prior[3] to or after[4] the entry into force of the convention. Where the provisions of conventions are self-executing, the Monegasque courts apply them directly, as necessary.

97. The majority of international treaties to which the Principality is a party have been expressly incorporated into domestic law by sovereign ordinance. That formality confers on treaty norms the character of rules of domestic law, provided that the Principality has adopted the legislative measures necessary for the implementation of the treaty in question. This reflects the dualist nature of the country's legal system.

98. The Convention on the Elimination of All Forms of Discrimination against Women was given the force of law in the Principality of Monaco by Sovereign Ordinance No. 96 of 16 June 2005.

99. The Convention was thus integrated into Monegasque law on that date. As a result, since the publication of the Ordinance in the Official Gazette of Monaco, the Convention may be directly invoked by litigants before the Monegasque courts.

100. The courts have been sensitized to the issue of discrimination against women, and this is reflected in national case law.

101. In this regard, it can be noted that:

- The Court of First Instance referred directly to the Convention in a decision of 3 February 2011 in a case concerning the wrongful dismissal of a female employee, whom the employer wished to replace by a male employee;
- On 26 June 2003, the Labour Court punished the wrongful dismissal of a young mother returning to work after maternity leave.

III. Comments article by article

Article 2: Obligations of States parties

102. The Principality of Monaco is a State governed by the rule of law and committed to fundamental freedoms and rights, as stated in article 2 of its Constitution.

103. Monaco has thus incorporated the principle of non-discrimination in its legal order.

104. Chapter III of the Constitution of Monaco is entitled "Fundamental freedoms and rights". Monaco applies the principle of non-discrimination in line with article 17 of the Constitution: "All Monegasque nationals shall be equal before the law. None shall enjoy preferential status."

105. The Supreme Court, the highest court in the country, has extended that right to all persons, regardless of their nationality, provided that their situations are comparable.

[3] Court of Appeal, 12 March 1974, Société monégasque du gaz and Société monégasque de l'électricité v. Caisse de compensation des services sociaux, court reports.

[4] Court of Review, 21 April 1980, Ms. Maier, widow of Mr. Naneau Smyth v. Ms. Quere, widow of Mr. Priol, court reports.

106. The fundamental freedoms and rights provided for in Chapter III may be invoked directly before all Monegasque courts.

107. Any natural or legal person entitled to or having an interest in initiating legal proceedings may have recourse to the Supreme Court in both administrative and constitutional matters. The Supreme Court may rescind a law on the ground of unconstitutionality at the request of any litigant, whether a natural or legal person or a Monegasque or foreign national.

108. Furthermore, as mentioned above, Monaco is a party to several international conventions relating to non-discrimination, including the Convention on the Elimination of All Forms of Discrimination Against Women, as well as:

- The International Convention on the Elimination of All Forms of Racial Discrimination;
- The International Covenant on Civil and Political Rights of 16 December 1996, ratified by a sovereign ordinance of 12 February 1998; and
- The International Covenant on Economic, Social and Cultural Rights of 16 December 1966, ratified by a sovereign ordinance of 12 February 1998, articles 2 and 10 of which refer specifically to non-discrimination.

109. These instruments may be directly invoked before the Monegasque courts.

110. Monaco became a member of the Council of Europe in 2004 and agreed to align its domestic law with the principles of the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights), in particular article 14 thereof. While that article does not establish non-discrimination as an autonomous principle, it renders punishable discrimination that infringes on any right guaranteed by the Convention.

111. Monaco has also ratified Protocols No. 6 and No. 11 to the European Convention on Human Rights.

112. Anyone who considers that he or she has been subjected to discrimination may contact the High Commissioner for the Protection of Rights and Liberties and for Mediation, whose mandate was outlined in detail above.

Article 3: Measures relating to basic human rights and fundamental freedoms

113. Since the ratification of the Convention, the Monegasque authorities have taken legislative, economic and social measures to strengthen the recognition of equal rights for women and men who live and work in Monaco.

114. Moreover, in practice, the protection of women's rights goes beyond the guarantees set out in the law. The local dimension makes it possible to provide specific responses to individual situations as required.

Article 4: Special measures to combat discrimination

115. Special measures have been taken in particular to protect pregnant women (cf. p. 32 et seq. of the present document).

Article 5: Modification of social and cultural patterns of conduct that are discriminatory

116. The increasing participation of women in economic, political and social life in Monaco is evidence of a shift in attitudes.

117. The modification of behavioural patterns is largely achieved through the measures outlined in this document regarding:

- Human rights education;
- Gender equality in access to education;
- Non-discrimination in employment;
- Improvements to work-life balance; and
- Gender equality in the family.

Article 6: Suppression of the exploitation of women

118. No cases of trafficking in persons for the purposes of sexual exploitation have been recorded in Monaco. Monaco has, however, carried out extraditions based on this type of offence.

119. A very small number of cases of procuring have also been recorded:

- One case that was tried in 2007 resulted in the imposition of a fine on an individual who had shared the proceeds of prostitution and had received financial support, in this case sums of money, from persons engaging in prostitution, thereby acting as a procurer (acts punishable at the time under article 269 of the Criminal Code);
- A case tried in 2011 resulted in a suspended prison sentence and a fine being imposed on an individual for the offence of aiding the prostitution of another, acting as an intermediary between two persons engaging in prostitution or exploiting or remunerating the prostitution of another.

120. With regard to the sexual exploitation of minors, a number of cases have been brought before the courts for the possession, receipt, distribution or downloading of computer files deriving from offences involving the organization or facilitation of the sexual exploitation of minors via the Internet.

121. The following points can be made with respect to prevention:

Monegasque legislation

122. Cruel, inhuman or degrading treatment is proscribed by article 20 of the Constitution.

123. In addition, the Principality of Monaco is a party to:

- The Slavery Convention and the Protocol amending the Slavery Convention;
- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (New York);
- The United Nations Convention against Transnational Organized Crime and two of the three Protocols supplementing the Convention, including the

Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children;

- The European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment;

- The Council of Europe Convention on Action against Trafficking in Human Beings.

124. Act No. 1.344 of 26 December 2007 on tougher penalties for offences against children has had a significant impact.

125. The body of standards thereby introduced into domestic criminal legislation has led to congruent legal measures providing increased protection to child victims of violence, abuse or sexual exploitation.

126. This includes harmonizing the concept of the best interests of the child and the definition of the criminal offences of which children are the victims by increasing — through new or amended offences — the punishment for multiple crimes against children. The relevant criminal offences are set out below.

127. The complex area of sexual abuse is covered by articles 261 to 264 of the Criminal Code, which define the crimes of aggravated indecent assault and rape.

128. Article 261 of the Criminal Code stipulates:

> Any indecent assault, perpetrated or attempted without violence, against a minor of either sex under the age of 16 years shall be punishable by a prison term of 5 to 10 years.
>
> The same penalty shall be handed down for indecent assault committed by any ascendant against a minor, including a minor of over 16 years not emancipated by marriage.

129. Furthermore, article 263 of the Criminal Code stipulates:

> Any person who commits or attempts to commit indecent assault with violence against an individual of either sex shall be liable to a prison term of 5 to 10 years.
>
> If the crime was committed against a minor under the age of 16 years, the perpetrator shall be sentenced to 10 to 20 years' imprisonment.

130. Moreover, article 264 of the Criminal Code stipulates:

> If the perpetrator is an ascendant of the victim of the assault, has authority over that person, is a teacher or paid servant of that person or a paid servant of the persons referred to above, is a civil servant or minister of religion, or, irrespective of his or her identity, has been assisted in his or her crime by one or more persons, the punishment shall be a prison term of 10 to 20 years in the cases covered by article 261, paragraph 1, and 263, paragraph 1, and the maximum prison term in the cases covered by articles 262, paragraph 1, and 263, paragraph 2.

131. Lastly, article 262 of the Criminal Code stipulates:

> Rape is defined as any act of sexual penetration, of any kind and using any means, committed against another person, using violence, coercion, intimidation or surprise.
>
> Rape has been committed when sex has been imposed on the victim under the circumstances set out in the previous paragraph, irrespective of the relationship between the aggressor and the victim, even if they are married to each other.
>
> In addition, rape includes any act of sexual penetration, of any kind and using any means, committed against a minor by:
>
> 1. Any person with a family relationship to the victim, whether legitimate, illegitimate, adoptive or by marriage;
>
> 2. Any person who lives in the same household as the minor or who has lived there for a period of time in the past and who exercises or has exercised legal or actual authority over the minor.
>
> Anyone who commits the crime of rape shall be liable to a prison term of 10 to 20 years.
>
> If the rape was committed against a minor under the age of 16, or in the circumstances set out in the third paragraph, the perpetrator shall incur the maximum prison term.
>
> The same applies if the rape was committed against a person whose vulnerability or dependency was apparent or known to the perpetrator.

132. With respect to combating child pornography, article 294-3 of the Criminal Code criminalizes each element of the production, possession and distribution of child pornography, in order to protect minors from all forms of sexual exploitation. Children must be protected both as actors and as spectators in this regard.

133. To that end, the article punishes several acts — in particular capturing, recording and producing child pornography — as well as all forms of distribution and transmission of child pornography. In addition, article 294-3 of the Criminal Code provides for tougher penalties when a communications network has been used to distribute an image or representation of a minor. It stipulates:

> The act of capturing, recording, producing, procuring or transmitting, for the purposes of distribution, an image or representation of a minor that is pornographic in nature shall be punishable by three to five years' imprisonment and the fine established in article 26, figure 3.[5] Any attempt to commit such an offence shall incur the same penalties.
>
> The act of knowingly supplying or distributing such an image or representation by whatever means, importing or exporting it, or causing it to be imported or exported shall incur the same penalties.
>
> The act of knowingly possessing such an image or representation shall be punishable by six months' to two years' imprisonment and the fine established in article 26, figure 2.[6]

[5] 9,000 to 18,000 euros.

[6] 2,250 to 9,000 euros.

The act of knowingly accessing such an image or representation shall incur the same penalties.

In cases where an electronic communications network has been used to distribute an image or representation of a minor to an unspecified audience, the penalties shall be increased from 5 to 10 years' imprisonment, together with the fine established in article 26, figure 4.[7]

The provisions of this article shall also apply to pornographic images of a person physically resembling a minor, unless it has been established that the person in question was 18 years of age on the day on which his or her image was captured or recorded.

For the purposes of this article, the following shall be deemed to be images of a pornographic nature:

1. Images or representations of a minor being subjected to or engaging in sexually explicit behaviour;

2. Images or representations of a person who appears to be a minor being subjected to or engaging in sexually explicit behaviour;

3. Realistic images representing a minor engaging in sexually explicit behaviour.

The expression "realistic image" refers, in particular, to a falsified image of a physical person that was fully or partially created using digital technology.

The provisions of this article shall not apply if the images or representations have been compiled for the purposes of ascertaining that a criminal offence has been committed or investigating or prosecuting a criminal offence.

134. Article 294-5, paragraph 1, of the Criminal Code also covers crimes relating to the participation of children in pornographic performances, stipulating:

The following are punishable by three to five years' imprisonment and the fine established in article 26, figure 3:[8]

1. The act of coercing a minor to watch or participate in pornographic scenes or performances or profiting therefrom or exploiting a minor in any other way for this purpose;

2. The act of recruiting, through coercion, violence or deceit, a minor to witness or participate in pornographic scenes or performances, or encouraging a minor to participate in such performances;

3. The act of attending pornographic performances involving the participation of minors [...].

135. Regarding child prostitution, article 268 of the Criminal Code, as amended by the aforementioned Act No. 1.344 of 26 December 2007, covers, in the first instance, the offence of procuring.

136. It stipulates:

[7] 18,000 to 90,000 euros.
[8] 9,000 to 18,000 euros.

The following persons shall be considered to be procurers and shall be liable to imprisonment of six months to three years and the fine established in article 26, figure 3,[9] if they in any way:

1. Recruit, coerce or mislead a person for the purpose of prostitution or exert pressure on a person to engage or continue engaging in prostitution;

2. Aid, abet or protect the prostitution of another;

3. Share the proceeds of prostitution or knowingly receive financial support of any kind from persons engaging in prostitution;

4. Cannot provide evidence of resources commensurate with their lifestyle while being in regular contact with one or more persons engaging in prostitution.

The following, carried out by any person in any manner, shall be deemed to be procuring and shall incur the same penalties:

1. Acting as intermediary between two persons, one of whom is engaging in prostitution and the other of whom is exploiting or remunerating the prostitution of another;

2. Helping a procurer to provide evidence of fictitious resources.

137. The elements of the offence having thus been established, article 269 of the Criminal Code sets out a series of aggravating circumstances linked to the personality of the perpetrator or the victim that permit effective punishment of the exploitation of the prostitution of another in all its forms and, more particularly, when it involves a minor. Article 269 of the Criminal Code stipulates:

Procuring shall be punishable by 5 to 10 years' imprisonment and the fine established in article 26, figure 3,[10] where it is committed:

1. Against a minor;

2. Against a person whose particular vulnerability, for example due to age, illness, infirmity, physical or psychological deficiency or pregnancy, is apparent or known to the perpetrator;

3. Against more than one person;

4. By a legitimate, illegitimate or adoptive ascendant of the person engaging in prostitution or by any person who has authority over that person or who abuses the authority conferred by his or her functions or resulting from the state of material or psychological dependence on him or her of the person engaging in prostitution;

5. Using coercion, violence or deceit;

6. By several persons acting as perpetrators or accomplices, without constituting an organized gang.

[9] 9,000 to 18,000 euros.
[10] 9,000 to 18,000 euros.

> Procuring shall be punishable by 10 to 20 years' imprisonment and the fine established in article 26, figure 4,[11] where committed against a minor under 16 years of age or by an organized gang.

138. Furthermore, article 269-1 of the Criminal Code stipulates:

> The use of a minor for the purposes of sexual activity, with the offer or promise of money or any other form of remuneration, payment or advantage, whether that remuneration, payment, promise or advantage is offered to the minor or a third party, shall be punishable by three to five years' imprisonment and the fine established in article 26, figure 3.[12]

139. Regarding the corruption of children, the second paragraph of article 294-5 of the Criminal Code provides for the effective criminalization of such acts, stipulating:

> The act of intentionally causing a minor to witness or participate in sexual activities shall incur the same penalties.

140. The solicitation of children for sexual purposes or "grooming" is covered by article 294-6 of the Criminal Code:

> An adult intentionally proposing, through an electronic communications network, a meeting with a person, in the knowledge that that person is a minor, for the purpose of committing against him or her any offence of a sexual nature punishable by a prison term of three years or more shall be liable to imprisonment of six months to two years and the fine established in article 26, figure 2.[13]

141. All the elements mentioned above complement the developments previously highlighted with respect to Act No. 1.382 of 20 July 2011 on the prevention and punishment of specific forms of violence, introduced to strengthen the protection of women and children.

Measures to combat domestic slavery

142. The criminal law of Monaco covers domestic slavery.

143. With regard to forced labour and slavery, article 249-2 of the Criminal Code provides:

> The act of obtaining services from a person whose vulnerability or state of dependence is apparent or known to the perpetrator for no pay, or pay that clearly does not reflect the amount of work performed, shall be punishable by five years' imprisonment and double the fine established in article 26, figure 4.[14]
>
> The subjection of a person whose vulnerability or state of dependence is apparent or known to the perpetrator to working or living conditions that are incompatible with human dignity shall be punishable by five years' imprisonment and double the fine established in article 26, figure 4.

[11] 18,000 to 90,000 euros.
[12] 9,000 to 18,000 euros.
[13] 2,250 to 9,000 euros.
[14] 18,000 to 90,000 euros.

The offences referred to in the first and second paragraphs shall be punishable by seven years' imprisonment and triple the fine established in article 26, figure 4, where they are committed:

1. Against more than one person;

2. Against a minor.

These offences shall be punishable by 10 years' imprisonment and triple the fine established in article 26, figure 4, where they are committed:

1. Against more than one person, of whom one or more are minors;

2. By an organized gang.

144. Monegasque law also provides for the punishment of domestic slavery: trafficking in persons is criminalized under articles 8 and 9 of Sovereign Ordinance No. 605 of 1 August 2006 implementing the United Nations Convention against Transnational Organized Crime:

Article 8: The recruitment, transport, transfer, housing or receiving of a person shall constitute the offence of trafficking in persons where it is carried out:

- Using force or the threat of force, or any other form of coercion such as abduction, fraud, deception, abuse of authority or exploitation of a situation of vulnerability;

- Through the offer or acceptance of payments or advantages for obtaining the consent of a person with authority over another for the purposes of exploitation, such as prostitution or any other form of sexual exploitation, slavery or practices similar to slavery, forced labour or service, servitude, or organ removal.

The offence of trafficking in persons is committed even if the victim has given his or her consent.

Any victim aged under 18 is considered to be a child, and the mere act of recruiting, transporting, transferring, housing or receiving that person constitutes an offence against him or her, even in the absence of one of the means set out in the first paragraph.

Article 9: Anyone who commits or attempts to commit the offence of trafficking in persons as defined in the previous article shall be liable to 5 to 10 years' imprisonment and the fine established in article 26, figure 4, of the Criminal Code, the maximum amount of which may be increased tenfold.

145. Furthermore, whenever the offices of the Department of Employment have been made aware of threats to undeclared employees, instructions have been issued immediately and reports have been transmitted to the Public Prosecutor.

146. Over the past 10 years, the Department of Employment has dealt with fewer than five cases of domestic slavery, which have led to the conviction of the employers.

Measures to monitor prostitution

147. Immoral acts are punished under articles 265 to 270 of the Criminal Code.

148. In Monaco, efforts to prevent sexual exploitation focus on raising awareness among all persons engaging in prostitution in the country.

149. The staff of the Police Department patrol at night in order to make contact with these persons, check their identities and ensure that they possess valid documents.

150. These persons are also regularly monitored and are obliged to register with the concierge of each Monegasque hotel establishment prior to accessing the rooms.

151. Furthermore, intelligence and observation work undertaken by the Police Department facilitates, where appropriate, the tasks of locating, identifying and questioning perpetrators of sexual exploitation.

152. It appears, from observations made on the ground, the information collected and the results of checks on financial transfers, that the vast majority of prostitutes on Monegasque territory are not under the control of any individual or group of individuals.

153. Most of them live for most of the year outside the borders of the Principality; no prostitute known to the police is officially resident in Monaco.

Article 7: Equality in the political life of the country

154. Monegasque women have the right to vote and to stand for election, subject to the same conditions as men, in all elections.

155. Article 1 of Act No. 839 of 23 February 1968 on national and municipal elections, as amended by Act No. 1.250 of 9 April 2002 and Act No. 1.409 of 22 October 2014, provides that "Monegasque nationals of either sex aged 18 or over have the right to vote, unless they have been deprived of that right on one of the grounds established by law".

156. Furthermore, article 13 of the same Act stipulates: "Subject to the provisions of article 14, voters who are aged 25 or over on polling day and who have held Monegasque nationality for at least five years may stand for election to the National Council. The five-year period starts on the day following either the date of publication of the sovereign ordinance on naturalization or restoration of Monegasque nationality, or the date of acquisition of Monegasque nationality by declaration."

157. Lastly, article 16 of the aforementioned Act stipulates: "Subject to the provisions of article 18, voters who are aged 21 or over on polling day and who have held Monegasque nationality for at least five years may stand for election to the Municipal Council. The five-year period starts on the day following either the date of publication of the sovereign ordinance on naturalization or restoration of Monegasque nationality, or the date of acquisition of Monegasque nationality by declaration."

158. In Monaco, women play an important role in decision-making, as demonstrated by the number of women in leadership positions.

159. Within the Civil Service, one of the five positions of Government Councillor (Minister) is occupied by a woman. In addition, two of the five positions of Director-General (Deputy Minister) are occupied by women.

160. As at 31 December 2014, women accounted for 44.5 per cent of the country's judiciary outside the Supreme Court and men accounted for 55.5 per cent. Excluding the Supreme Court and the Court of Review, whose members are not permanent judges, the proportion of female judges is 57.6 per cent.

161. The positions of First President of the Court of Appeal, President of the Court of First Instance and Justice of the Peace are occupied by women.

162. Lastly, the representation of women in the elected assemblies is also significant.

163. Of the 24 members of the National Council (Parliament), 5 are women, i.e. about 20.8 per cent.

164. The Municipal Council, for which fresh elections were held in March 2014, is made up of 40 per cent women (6 Councillors out of 15).

165. Lastly, Monegasque women are particularly active in non-governmental organizations (NGOs), especially those offering assistance specifically to women and children, such as:

- Femmes Leaders Monaco;
- GenderHopes Monaco;
- Action Innocence;
- Mission Enfance.

166. The Government provides both operational and financial support to NGOs whose headquarters are in Monaco. Every year there is a meeting between the Government and Monegasque associations for international solidarity.

Article 8: Equality in political life at the international level

167. It should be noted that gender parity has been attained with respect to ambassadorial positions.

168. To cite a few examples, the Permanent Representatives of Monaco to the United Nations in New York, Geneva and Vienna are women.

169. Furthermore, women hold the following positions in the Ministry of Foreign Affairs and Cooperation:

- The position of Director-General (the equivalent of Deputy Minister);
- The three Director positions — Director of International Relations, Director of International Cooperation, and Director of Diplomatic and Consular Relations.

Article 9: Equality under the law on nationality

170. Since 2003, substantial amendments have been made to nationality law to ensure equal rights for women and men to acquire, change, retain and transmit their Monegasque nationality.

171. The right to nationality is governed by Act No. 1.155 of 18 December 1992, which was amended by three subsequent acts adopted in 2003, 2005 and 2011.

172. First, Act No. 1.276 of 22 December 2003 amended the 1992 Act by permitting women who have acquired or resumed Monegasque nationality to pass on their nationality to their children and grandchildren, as was already the case for naturalized men.

173. Second, the 1992 Act was amended by Act No. 1.296 of 12 May 2005 on the transmission of nationality by mothers having so opted pursuant to article 3 of Act No. 572 of 18 November 1952 (repealed).

174. That Act provides for the consideration of special cases, since it allows the children of mothers who have become Monegasque nationals under the "three generations" law to choose Monegasque nationality for themselves and their children.

175. Lastly, Act No. 1.387 of 19 December 2011 also amended the 1992 Act and is structured around four key measures:

- Monegasque men and women who have acquired nationality through filiation or naturalization will now be able to transmit it to their spouse;
- The period required for transmission by marriage has been extended to 10 years for both men and women;
- In order to avoid cases of stateless children, a foreign spouse who has acquired Monegasque nationality through marriage must retain his or her original nationality. Divorced persons who have acquired nationality through marriage may not transmit it to children born subsequently or to future spouses;
- As a transitional measure, all women who were married before the entry into force of the Act continue to benefit from the previous transmission period of five years.

176. To sum up, article 1 of Act No. 1.155 of 18 December 1992 on nationality, as amended by the three acts referred to above, provides as follows:

A Monegasque national shall be:

1. Any person born of a Monegasque father, unless the latter acquired his nationality by declaration, pursuant to the provisions of article 3;

2. Any person born of a mother who is Monegasque by birth and still held that nationality on the day she gave birth;

3. Any person born of a Monegasque mother with one direct ascendant who was Monegasque by birth;

4. Any person born of a Monegasque mother who acquired Monegasque nationality by naturalization or restoration or in accordance with article 6, paragraph 2, or article 7, paragraph 4, of this Act;

5. Any person born of a mother who acquired Monegasque nationality by declaration following simple adoption;

6. Any person born in Monaco of unknown parents. The nationality of a child adopted under the full adoption procedure is determined according to the provisions of the preceding paragraph.

Article 10: Equality in education

177. Monaco has placed education at the top of its priorities for the future.

178. With regard to the specific characteristics of the Principality, it should be noted that there are approximately 5,700 students, 30 per cent of whom do not live in Monaco. Furthermore, the students represent more than 75 nationalities.

Equal access to primary, secondary and tertiary education

179. Act No. 1.334 of 12 July 2007, the Education Act, updates the previous education law and provides for the integration of children with disabilities in mainstream education.

180. Under article 3 of this Act:

> Education is compulsory for all children of either sex between 6 and 16 years of age who are:
>
> 1. Monegasque nationals;
>
> 2. Foreign nationals whose parents or legal representatives are resident or lawfully established in Monaco or who are in the custody of a natural or legal person resident or lawfully established in Monaco.

181. Education is therefore compulsory for all children, regardless of their sex, between 6 and 16 years of age; furthermore, children may be enrolled in nursery school from 3 years of age.

182. Free general and vocational education is also provided at the primary and secondary levels for boys and girls alike. There are nine public schools in Monaco: six nursery and primary schools, one middle school, one general and technical high school and one vocational and catering high school.

183. In addition, there are two private denominational schools under contract with the State and other private or independent educational establishments. These include the International School of Monaco, which offers a bilingual curriculum in English and French starting from nursery-school level and the Princess Grace Academy, a dance academy that offers secondary-level schooling.

184. Girls and boys have access to quality education.

185. Public schools in Monaco serve more than 4,500 students and are staffed by approximately 410 teachers; some 1,200 pupils attend private schools that are under contract, with just over 105 teachers, about 45 of whom have been seconded by the Monegasque civil service to the private schools.

186. All public schools and private schools that are under contract in Monaco are accredited as French schools abroad. The timetables, curricula and diplomas are therefore in line with those established by the French Ministry of Education. For the purpose of examinations, Monegasque schools are affiliated with the regional education authority of Nice, France.

187. All classes are taught in French. Some schools offer courses in French as a foreign language to facilitate the integration of students who are non-native speakers of French.

188. While the Monegasque education system is based on the curricula set by the French Ministry of Education, it has certain characteristics that contribute to the quality of the schooling provided:

- Strong focus on English-language teaching from nursery school through the last year of secondary school, including an intensive English option from Year 9, an international stream and a European section for students in upper secondary school;
- Teaching of French as a foreign language in schools to facilitate the integration of non-French-speaking students;
- Reading incentive programmes;
- Promotion of national culture through the teaching of Monegasque language and history;
- A cultural education and artistic development programme, in collaboration with the Department of Cultural Affairs and the national opera and ballet companies, orchestra and theatre;
- Development of partnerships with national scientific and heritage-related institutions, such as the Museum of Prehistoric Anthropology, the Oceanographic Museum, the Exotic Garden, the New National Museum of Monaco and the Department of Urban Planning;
- The teaching of sport at school, which is an integral part of the education system — physical education classes and swimming classes, taught by specialized teachers, begin in Year 2 and Year 1 respectively;
- Adapted timetables for students in intensive sports programmes across all year groups at all Monegasque secondary schools;

  Students with weekly training schedules of at least eight hours who belong to Monegasque sports clubs are entitled to adjusted timetables allowing them to leave classes early or to benefit from study hours to do their homework;
- Adjusted timetables for elite athletes in upper secondary school at Lycée Albert Ier;

  Intended for top-level athletes who practise a sport for a minimum of 20 hours per week;

  Students selected by the Monaco Olympic Committee and who meet the admissibility criteria are placed in a class with lighter timetables on account of their sporting obligations.

189. Compulsory subjects are spread out between 10 a.m. and 4 p.m. daily and individual tutoring and homework help ensure personalized and customized monitoring.

190. In addition, the Government decided to implement a digital development plan, which promotes diversified educational options to enable more students to succeed. Funding is geared towards infrastructure, equipment and teacher training. Such investment should also help students better prepare for their entry into the digital economy.

191. The fruits of continued investment in education, in terms of both human and physical resources, have been visible for decades, evidenced by outstanding results in end-of-cycle examinations and in subsequent university studies.

192. Alongside the education system's drive for excellence, the Government is implementing an ambitious social policy. It is cognizant of the difficulties that some young people face and offers them the means to enter working life through a school career that suits their needs.

193. Lastly, there are very few higher education institutions in Monaco.

194. Consequently, there is no gender-based discrimination with regard to students at these institutions.

195. In addition, gender parity among recipients of university scholarships is guaranteed.

Sexual and reproductive health in school curricula

196. Article 39 of Act No. 1.334 of 12 July 2007, the Education Act, specifies that:

> Teaching also includes moral and civic education and health and hygiene education.

197. Education on health and hygiene under the Education Act includes several awareness-raising and prevention campaigns in schools for students at all levels.

198. These age-appropriate programmes cover a multitude of topics, including hygiene, nutrition, road safety, doping, HIV, human papillomavirus (HPV), tobacco, alcohol, cannabis and other drugs, and the dangers of the Internet. They also involve a wide range of stakeholders: students, parents, and staff from the education sector, the Ministry of Health and Social Affairs, the centre for free and anonymous health screening, the Police Department, the Department of Justice, the fire service, the Red Cross, the Institute of Nursing Training, Action Innocence and Fight Aids.

199. Each school determines its prevention activities on the basis of the priorities identified by its health and citizenship education committee, which is an internal body responsible for monitoring, discussing and analysing certain situations and designing and assessing educational projects in the area of citizenship education, prevention and health education.

200. The committee, consisting of representatives of education, social services and health personnel, teacher representatives, parents and students selected by the head teacher, is integral to the functioning of the school. Its areas of activity are in line with the school's policy, as set out in its development plan.

201. The establishment of a programme to teach students about sexual and reproductive health remains one of the priorities of prevention programmes implemented in schools.

202. The issue of sexual and reproductive health is addressed starting in middle school. It is also covered in the life and Earth sciences curriculum in Year 10 as well as through discussions held among students, teachers and school health staff.

203. These sessions, which are scheduled for Years 9 and 10 (age 13 and 14) during the month of June, i.e. before the summer, offer students the opportunity to ask all kinds of questions relating to sex education. In order to encourage dialogue, girls

and boys are separated and put into small groups. During this time, which is specially set aside, they can speak freely with a life and Earth sciences teacher and a nurse.

204. In high schools, the health and citizenship education committees aim to offer pupils new approaches to talking about sexual and reproductive health. Interactive workshops, lunches and afternoons offer original formats for discussion that renew pupils' interest in prevention.

205. Interactive workshops and talks on issues relating to HIV/AIDS are offered to students in Years 11 and 12 at Lycée Albert 1er.

206. Lastly, schools have large numbers of educational and supervisory staff who work with psychosocial teams to offer students opportunities for dialogue and counselling.

207. In that connection, school nurses are on duty every day and perform a monitoring function with regard to prevention. They are trained to establish a relationship of trust with students and thus to guide their developing awareness of sexuality.

Human rights education

208. Human rights education is generally provided from Year 4 and deals with various topics, including gender stereotypes and other kinds of stereotype.

Comprehensive initiative and national strategy for human rights education

209. Human rights education is a compulsory element of school curricula.

210. As stated above, with regard to a national human rights education strategy, the Department of Education has introduced health and citizenship education committees as part of secondary school development plans in order to encourage discussion among students on the type of behaviour that can help build up self-respect, respect for others and mutual assistance, and encourage a greater sense of responsibility among young people.

211. Students themselves have been involved in drawing up the strategy through the student representatives on the health education committees.

212. Efforts to achieve the human rights education policy objectives are pursued in the broadest sense and include work to raise awareness of rights through, for instance, education for peace, citizenship and values, multicultural education, global education and education on tolerance and on sustainable development.

213. Attention should also be drawn to the interaction between schools, local authorities, civil society, the community as a whole and international institutions and foundations aimed at increasing awareness of children's rights and the fundamental principles of human rights education.

Specific initiatives undertaken in the area of human rights education — teaching and learning process

214. In general, from primary through to secondary school, human rights education is included in classes on "living together" (nursery school), history, geography and

civic and moral education classes (elementary school) and in civic, legal and social education classes (middle and high school), in a cross-cutting manner.

215. In addition, the Declaration of Human Rights and the Convention on the Rights of the Child are the set reference materials for activities undertaken by schools, particularly with regard to humanitarian affairs.

216. Lastly, education on democratic citizenship and human rights forms part of in-service training for teachers with the promotion of teaching methods that give a sense of responsibility and encourage student participation (annexes 3 to 5: focus on education 2014, focus on higher education 2014, table of overall staffing 2015-2016).

Article 11: Equal rights with regard to employment, maternity and work

217. Monegasque women, and the many foreign women who are resident in Monaco or who are cross-border workers, play an essential role in the economic life of the Principality.

218. With regard to employment, women enjoy the same rights as men; the law does not treat employees differently on the basis of their sex.

Equality with regard to remuneration, recruitment and dismissal

219. There is no discrimination with respect to remuneration, recruitment or dismissal in either the public sector or the private sector.

220. Concerning the private sector, Act No. 948 of 19 April 1974, which introduced amendments relating to equal remuneration for men and women into Act No. 739 of 16 March 1963 (the Pay Act) provides that:

> All employees, irrespective of sex, should receive equal remuneration for the same work or work of equal value; this means the wage as defined in article 1 and all related advantages and benefits, whether direct or indirect, in cash or in kind.
>
> The various components of the remuneration referred to in the previous paragraph must be established on the same basis for every employee, without distinction on the ground of sex.
>
> Categories and criteria for classification and professional promotion, and all the other factors used in calculating remuneration, must be the same for employees of both sexes.

221. With regard to the public sector, Act No. 975 of 12 July 1975 on the status of civil servants contains the following provision on non-discrimination between the sexes: "For the purpose of application of the present statute, no distinction is made between the two sexes, save for exceptional measures required by the nature of the functions in question" (art. 17).

222. The following laws also provide for equality between men and women with regard to remuneration, recruitment and dismissal:

- Act No. 1.096 of 7 August 1986 on the status of public servants of the Municipality;

– Act No. 629 of 17 July 1957 governing recruitment and dismissal in the Principality.

223. Apart from the judgments referred to on page 14, no recent decisions concerning gender-based discrimination have been brought before the Monegasque courts.

224. Furthermore, no complaints of this kind have been filed with the Labour Inspectorate during the past two years.

The right to health care and measures to protect pregnant women

225. Any difference between men and women in terms of employment rights consists in positive discrimination, i.e. regulations that are more favourable to women, for example in the following areas:

– Night work;[15]

– Periods of rest during the day and between two successive working days;[16]

– Additional leave for parents of dependent children;[17]

– Stronger protection for difficult or dangerous work.[18]

226. In addition, Act No. 870 of 17 July 1969, as amended by Act No. 1.245 of 21 December 2001, on the employment of pregnant women and nursing mothers contains the following provisions:

– No female employee may be dismissed once her pregnancy has been medically confirmed, or during the periods of suspension of the employment contract to which she is entitled by way of maternity leave;

– The employer may not seek information concerning the pregnancy;

– The employer may not use a woman's pregnancy as grounds for refusing to hire her, terminating an employment contract during the probationary period or ordering a job transfer;

– When her maternity leave is at an end, a mother may refrain from resuming work and request to be re-employed the following year, with all the benefits and advantages that she had acquired at the time she went on maternity leave.

Equality with regard to social welfare and measures aimed at achieving a better work-life balance

227. The Principality of Monaco does not discriminate on the basis of sex with regard to social security payments or access to social activities.

228. In addition, the Government ensures that women are able to benefit from adequate social welfare measures aimed at achieving a better work-life balance,

[15] 2,250 to 9,000 euros.
[16] Articles 10 and 12 of Ordinance-Law No. 677 of 2 December 1959.
[17] Article 4 bis of Act No. 619 of 26 July 1956 on the system of annual paid leave, as amended.
[18] Ministerial Order No. 58-168 of 29 May 1958 concerning special occupational health and safety measures for women and children.

such as the provision of maternity leave, the payment of family allowances, and flexible working arrangements and schedules.[19]

229. In addition to prenatal and postnatal leave, there are legal provisions allowing a mother to suspend her employment contract for the purpose of child-rearing and to be given priority for re-employment.

230. Furthermore, Act No. 994 of 5 January 1977 provides for the suspension or termination of an employment contract in the event of illness of a dependent child, which allows a working parent to stop work in order to nurse the sick child.

231. Community and family crèches are available for use by working mothers.

232. Act No. 1.275 of 22 December 2003 introduced the possibility of working part-time in the public sector; it already existed in the private sector.

233. Teleworking is being discussed and arrangements are being made for its introduction. It should be possible to implement it during 2016.

234. Lastly, social security agreements concluded with France and Italy allow women who are nationals of those countries working in Monaco to receive the social and medical benefits offered by the Principality's social security system, on the same basis as women resident in Monaco. All employees in Monaco also have the option of sending their children to a school or crèche in the Principality, provided that there are sufficient places available (annexes 6 to 10: focus on public finances 2014, focus on employees 2014, focus on jobs 2014, economy bulletin 2015, statistics on the distribution of employees by sex 2010-2014).

Article 12: Equality in access to health care

Equality between men and women in access to health care

235. There is no discrimination between men and women with regard to access to health care.

236. The health-care system in Monaco provides women with a very satisfactory level of cover and with screening free of charge for certain diseases, such as breast cancer.

Access to reproductive health care

237. With regard to reproductive health specifically, Act No. 1.359 of 20 April 2009 was adopted, establishing a prenatal coordination and family support centre and amending article 248 of the Criminal Code and article 323 of the Civil Code.

238. The Act established a prenatal coordination and family support centre in order to provide pregnant women and their families with the information and support needed during the prenatal period and up to the birth of the child, and in particular where the woman is faced with physical, psychological or social difficulties linked to her pregnancy.

[19] The following types of parental leave are aimed at achieving a better work-life balance:
- Maternity leave lasting at least 16 weeks (Act No. 870 of 17 July 1969 on the employment of pregnant women and nursing mothers, as amended by Act No. 1.245 of 21 December 2001);
- Paternity leave (Act No. 1.309 of 29 May 2006); and adoption leave (Act No. 1.271 of 3 July 2003).

239. The prenatal coordination and family support centre has a multidisciplinary team comprised of specialists: obstetric gynaecologists, paediatricians, ultrasound technicians, psychiatrists, midwives, psychologists, social workers, etc. The centre has the following role in organizing the care and medical and social monitoring of pregnant women:

- Receiving and counselling pregnant women and their families and providing them with information;
- Assessing the medical, psychological and social situation of pregnant women attending the centre;
- Providing information on and referral to the appropriate services and facilities;
- Providing psychological care where this is recommended;
- Providing information on financial assistance in conjunction with the Social Services Unit of the Department of Health and Social Welfare and other welfare agencies if the mother or the household has social problems.

240. This detailed information relates to the rights of pregnant women, mothers, fathers and their children and the allowances and other benefits payable to them. It also relates to support mechanisms for children with disabilities and the monitoring of assistance provided during the period following the birth of the child:

- Coordination with the professionals who will provide post-partum care for women and their families.

241. In addition, the above-mentioned Act No. 1.359 of 20 April 2009 sets out three specific cases in which it is possible to have a medical termination of pregnancy: in order to preserve the life of the pregnant woman; where a serious condition is detected in the unborn child that is acknowledged to be incurable at the time of the prenatal diagnosis; and where a rape has been committed, irrespective of the identity of the perpetrator.

Commitment of Monaco to HIV/AIDS prevention

242. The Principality is very active with regard to HIV/AIDS prevention:

243. Sovereign Ordinance No. 3.8236 of 5 July 2012 established the Monaco Health Screening Centre, and Ministerial Order No. 2012-264 of 27 April 2012 sets out the requirements for conducting rapid diagnostic tests of infection with the human immunodeficiency virus (HIV-1 and HIV-2).

244. Activities aimed at young people have also been carried out. Sexual and reproductive health education forms part of the school curriculum under life and Earth sciences that is taught in the Principality.

245. In partnership with Monegasque associations, awareness-raising activities are provided for high-school students each year with a view to preventing sexually transmitted infections. In addition, information sessions, workshops, round tables, meetings with doctors and interactive shows are organized during the three years of high school so as to remind students of the dangers, means of prevention and their rights.

246. NGOs are also playing a significant role in this area, in particular Fight Aids (www.fightaidsmonaco.com), established in 2006 by Her Serene Highness Princess Stéphanie.

247. Lastly, Monaco participates actively in international forums and programmes for HIV/AIDS prevention. For example, it plays an active role within the World Health Organization, of which it has been a member since 1948, and is fully committed to the activities of the Joint United Nations Programme on HIV/AIDS (UNAIDS).

Support for parents

248. Lastly, with regard to parenthood, a mechanism for preventive action and counselling has been set up in Monaco to assist parents.

249. It consists of a telephone helpline, anonymous and free of charge, that provides counselling for parents who are experiencing difficulties or are in a situation of conflict with their child and, where necessary, refers them to professionals.

Article 13: Other areas of economic and social life

The right to family benefits

Social security schemes

250. Monaco has Bismarck-type social security schemes, in which all persons working in Monaco are members of the basic mandatory schemes:

- Those managed by the Welfare Services Compensation Fund (sickness, maternity, disability, death benefits, family benefits) and the Independent Pension Fund (retirement pensions, survivors' benefits, death benefits) for employees;
- Those managed by the Sickness, Accident and Maternity Insurance Fund (sickness, maternity) and the Independent Retirement Pension Fund for the Self-employed;
- The special scheme managed by the State (sickness, maternity, disability, family benefits, death benefits, retirement pensions, survivors' benefits and unemployment benefits) for civil servants and State officials (the latter category are members of the general scheme for their retirement pensions).

251. This Bismarck-type system is combined with Beveridge-type mechanisms aimed at residents who cannot claim medical benefits or welfare assistance in connection with an activity, a period of absence from paid work, or a disability, retirement or survivor's pension.

252. This social welfare provision is managed by the Social Services Unit of the Department of Health and Social Welfare. It is available to persons who can provide evidence that they have resided in Monaco for more than five years. However, in the interests of child protection, an exception is granted to pregnant women who have been resident in Monaco for less than the length of time required.

Family benefits

253. Act No. 5.95 of 15 July 1954 establishes the family benefits scheme.

254. A head of household (the person actually and habitually responsible for the upkeep of the children) who is working receives family benefits for children aged under 21 who live in the household, or who do not live there for reasons of health or study or because they have been placed in an institution in their own interests.

255. The person actually and habitually responsible for the upbringing and upkeep of the children is recognized as the head of household.

256. Where this responsibility is fulfilled jointly by both members of a couple, the man is recognized as the head of household in the vast majority of cases.

257. Mothers who are resident in France and living in a marital home may be recognized as heads of household in respect of their own children if their partner is not the children's father.

258. If the male member of a couple residing in Monaco is not working, does not have sufficient income to provide for his children's needs and is not entitled to family benefits under another scheme, the mother may be recognized as the head of household.

259. Between the ages of 6 and 16, a child must fulfil the requirement to attend school; beyond the age of 16, he or she must either pursue studies, enter an apprenticeship or look for a job, unless he or she is unable to study or to work.

260. If a child aged over 18 is working while studying, he or she ceases to be a dependent child once his or her earnings are more than double the reference wage used to calculate family benefits (€857.54 per month as at 1 October 2014).

The right to bank loans, mortgages and other forms of financial credit

261. The law of Monaco does not contain any provisions preventing women from accessing bank loans, mortgages or other forms of financial credit.

The right to participate in recreational activities, sports and all aspects of cultural life

262. There is no discrimination between men and women in access to sports and cultural and recreational activities.

263. This is demonstrated by the number of women members of sporting federations and artistic institutions in Monaco (Ecole Supérieure d'Arts Plastiques, Académie de Musique et de Théâtre, dance schools, etc.).

264. Cultural education in schools takes the form of dance performances, plays, concerts, visits to exhibitions, educational projects, etc.

Article 14: Women in rural areas

265. This article of the Convention does not concern Monaco since its small territory has no rural areas.

Article 15: Equality before the law

266. As stated above, the principle of equality is recognized in the Constitution.

267. Thus there are no differences between men and women in terms of their treatment by the justice system.

268. Women have legal capacity and the capacity to act on equal terms with men. They also enjoy the same rights as men at all stages of procedure in courts and tribunals.

269. Furthermore, women freely administer their property and have the same rights to conclude contracts.

270. Lastly, men and women have the same rights with regard to the movement of persons and the freedom to choose their residence and domicile.

Article 16: Equal rights in family relations

271. Act No. 1.278 of 29 December 2003 amending certain provisions of the Civil Code, the Code of Civil Procedure and the Commercial Code establishes equality between men and women within the household by revising certain provisions of the Civil Code (joint upkeep of the family, conjugal life and place of residence jointly selected).

272. The concept of paternal authority has disappeared from the Civil Code and has been replaced by the concept of parental authority (art. 301 of the Civil Code), which means that mothers, not only fathers, are now entitled to certain allowances.

Marriage

The legal requirements for marriage

273. Under article 116 of the Civil Code, men and women may not marry before reaching the age of 18. However, the Prince may waive the age requirement for serious reasons, if the minor is at least 16 years old.

274. Furthermore, pursuant to article 117 of the Civil Code, "there is no marriage without consent. A Monegasque national must be present at his or her marriage, even if the marriage is contracted abroad."

275. Bigamy is prohibited under article 125 of the Civil Code, which provides that no remarriage may take place before the previous marriage is dissolved.

276. In addition, articles 130 and 131 prohibit marriage between persons related in the direct line in any degree or in the collateral line up to the fourth degree.[20] Marriage between an adopter and an adoptee is also prohibited.

277. Marriages contracted in Monaco and marriages of Monegasque nationals contracted in a foreign country are entered in the civil registers of the Monaco city authorities.

278. Lastly, attention should be drawn to the provisions of article 274-1 of the Criminal Code relating to the punishment for forced marriage.

[20] Article 130 of the Civil Code: "Marriage is prohibited between legitimate or illegitimate relatives: •1. In the direct line in any degree".

The personal implications of marriage

279. Both spouses have the same rights and are obliged to fulfil the same duties:

- Article 172 of the Civil Code: "By entering into marriage, spouses jointly undertake to feed, support and raise their children."
- Article 181 of the Civil Code: "Spouses owe each other mutual fidelity, aid and assistance."
- Article 182: "Spouses shall jointly provide moral and material guidance to the family and contribute to supporting it. They shall provide for their children's education and prepare for their future."
- Article 187 of the Civil Code: "Spouses shall mutually commit to matrimonial cohabitation.

  The family residence shall be at the place chosen by agreement between the spouses and shall constitute their main place of establishment. In the event of disagreement, or if the chosen residence gives rise to moral or physical dangers for the family, the guardianship court may, of its own motion should it be in the best interests of the child, fix the family's residence at a place specified by the court or even authorize the spouses to have two separate residences.

  A spouse may not, without the other spouse's consent, dispose of the property that provides the family's accommodation or of the furniture in it. Whichever spouse has not consented may have such an act annulled. He or she may bring an action for annulment within a year of the date on which he or she becomes aware of the act, but such action may never be brought more than one year after the dissolution of the matrimonial property regime."
- Article 301 of the Civil Code: "Parental authority shall be exercised jointly by the father and the mother."

280. With regard to family names, women may keep their maiden name, take their spouse's name, or use both.

281. In addition, as stated above, bill No. 938 amending certain provisions of the Civil Code relating to family names was submitted by the Government to the office of the National Council (Parliament) in May 2015.

282. The Civil Code currently requires that children take their father's name. The purpose of the bill is to establish that this rule is not mandatory. Although the rule will remain the norm, the bill offers fathers and mothers the option of making a different choice when registering their children in the civil registers, since it allows the mother's name to be passed on to the children.

283. Lastly, Monegasque law establishes the same parental rights and responsibilities for men and women in cases of adoption.

284. In June 2014 the Government submitted bill No. 920 amending the Civil Code provisions on adoption to the office of the National Council (Parliament).

285. The bill is aimed at simplifying judicial procedures and highlights three fundamental points: the best interests of the child, the importance of free and informed consent, and the integration of adopted children into family life. It also establishes the right to know one's origins.

The financial implications of marriage

286. In Monaco, the matrimonial property regime under the law is the separation of property.

287. The following provisions of the Civil Code establish the equal rights of spouses with regard to the financial implications of marriage:

- Article 183 of the Civil Code: "Both spouses have full capacity. Their powers are limited by the rules of the matrimonial property regime and the provisions of the law."
- Article 184: "Each spouse may individually enter into contracts necessary for the maintenance of the household or the education of the children. Any debt contracted in this way makes the other spouse jointly liable to bona fide third parties."
- Article 185: "Unless otherwise specifically provided in their contract, the spouses shall contribute to the costs involved in the marriage in proportion to their respective means. Each spouse's contribution may take into account his or her activity in the home and his or her support for the other spouse's professional activity."
- Article 189: "Both spouses shall receive their earnings and wages individually and dispose of them as they see fit after paying their contribution to the costs of the household."
- Article 194: "Either spouse may, without the consent of the other, open a deposit account or hold securities. The spouse who is the depositor shall be free to dispose of the money and securities deposited.

  A spouse who owns movable property shall have, in respect of bona fide third parties, the power to carry out individually any act for the administration, enjoyment or disposal of that property."

Dissolution of marriage

288. Under article 196 of the Civil Code, a marriage is dissolved upon the death of one of the spouses or upon divorce.

289. There is no discrimination against women when a marriage is dissolved, either in respect of the decision to end the marriage or in respect of the financial implications of its dissolution or the sharing of parental authority.[21]

[21] Article 204-7 of the Civil Code:
"The father and the mother shall retain the joint exercise of parental authority.
The court of first instance may also award the exercise of parental authority to the father or the mother alone, if this is in the best interests of the children.
In the absence of an approved agreement, the court shall decide on the right of access and the right to receive visits from the children; it shall also determine each parent's contribution to the cost of the children's maintenance and education, and shall decide whether the children will have their habitual residence with the father or the mother.
Neither the father nor the mother may be prevented from exercising the right of access or the right to receive visits except for serious reasons and in the best interests of the child.

290. The only instance of different treatment is aimed at avoiding disputes over the paternity of children who may have been conceived during the period in which the spouses were engaged in divorce proceedings or during the period preceding the death of the husband. Thus, articles 126 to 129 of the Civil Code provide for a period of 310 days during which a woman may not remarry.

291. With regard to divorce specifically, the law of Monaco was amended by Act No. 1.336 amending the provisions of the Civil Code relating to divorce and judicial separation, which was adopted on 12 July 2007. In line with other European legislation, the Act introduced new amicable, flexible and simplified divorce procedures, in particular divorce by mutual consent.

292. Divorce is covered by article 197 et seq. of the Civil Code.

Guardianship and wardship

293. The law of Monaco establishes the same rights and responsibilities for men and women with regard to guardianship and wardship.

IV. Conclusion

294. The Constitution of Monaco guarantees equality between men and women.

295. When it joined the United Nations in 1993 and the Council of Europe in 2004, the Principality of Monaco ratified the major international instruments relating to the protection of human rights, in particular the rights of children and women.

296. These international commitments have entailed many changes, particularly in legislation.

297. The increasing participation of women in decision-making and in the economic life of Monaco attests to the effectiveness of the measures taken.

298. Furthermore, the Principality of Monaco takes action even beyond its borders to promote equality between men and women, through its activities within international organizations and its policy of cooperation for development.

Where necessary to maintain proper links between child and parent, the court of first instance may suspend the exercise of the right to receive visits and provide for the right of access to be exercised in a meeting place designated for that purpose where all the necessary psychological support and safety measures are in place.
The court of first instance may, however, decide that the children are to reside with another person or in an institution; that person or institution shall take all the usual measures pertaining to their supervision and education.
Whatever decision is taken, the father and the mother shall retain the right to supervise the care and education of their children and shall be required to contribute to them in accordance with their resources."